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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,555	08/09/2001	Helmut Braun	A-2900	6226
24131	7590	06/25/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

46x

<b>Office Action Summary</b>	<b>Application No.</b> 09/927,555	<b>Applicant(s)</b> BRAUN ET AL.	
	<b>Examiner</b> Anthony H Nguyen	<b>Art Unit</b> 2854	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 33 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
- 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 30, 2004 has been entered.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 8-11, 21-28, 30,31 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by the Great Britain Patent # 1,085,743 (the GB '743).

With respect to claims 1,2, 21-28, 30-32 and 35, the GB '743 teaches a method and a printing machine or duplicating machine having an ionic fan 15 for generating the air stream as recited (the GB '743, Figs. 1 and 3). Note that the ion fan is inherently generating and accelerating gas ions by a discharge for accelerating non-ionized gas by pulse transmission from the gas ions.

With respect to claims 3,5,8-11, a plurality of ionizing needles 28 and holes 30 constitute a plurality of ionic fans disposed adjacent to one another as shown in Figs.2 of the GB '743.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4,7,12,29 and 32 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over the Great Britain Patent # 1,085,743 (the GB '743) in view of Weisperber (US 4,643,414).

The GB '743 teaches all that is claimed, except for the ionic fans which are individually controlled to generate a desired flow field. See the explanation of the GB '743 above. Weisperber teaches that the fans which can be individually controlled as shown in Fig.5 (see Weisperber, col.8 lines 52-57). In view of the teaching of Weisperber, it would have been obvious to one of ordinary skill in the art to modify the ionic fans of the GB '743 by providing the controller as taught by Weisperber for precise controlling of the ionic fans in the GB '743.

Claims 13-20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over the Great Britain Patent # 1,085,743 (the GB '743) in view of Platsch (US 6,038,998)

With respect to claims 13-17, The GB '743 teaches all that is claimed, except for the feed unit which connects to a powder container. See the explanation of the GB '743 above. Platsch teaches a device for applying powder to sheets passing through a printing press having a feed unit 112,114, 116 which connects to a powder container 30 (Platsch, Figs.2 and 6). In view of the teaching of Platsch, it would have been obvious to one of ordinary skill in the art to modify the printing press of the GB '743 by providing the feeding unit as taught by Platsch for optimum distributing the powders through the ionic fans in the GB '743 on the just printed sheets.

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With respect to claims 18 and 19, the use of a controller for controlling individually a plurality of fans is well known in the art. For example, see the explanation with respect to claims 4,7,12,29 and 32 above.

With respect to claim 20, Platsch teaches the use of a fan unit 114 to suck away excess powder in the region of the sheet guiding device 24 (Platsch, Fig.6 and col.8, lines 53-67).

### *Response to Arguments*

Applicants' arguments filed on March 24, 2004 have been fully considered but they are not persuasive of any error in the above rejections.

Applicant argues that the GB '743 does not teach the ionic fan to push down printing sheets to an impression cylinder by blowing or air pressure without using a hose for air pressure and that the GB '743 does not teach the air stream for holding down the sheets but only electrostatic force that holds the sheet.

However, applicants' arguments are more specific than the limitations in the claims. For example, there is no limitations such as an ion fan which pushes down printing sheets to an impression cylinder by blowing or air pressure in any claims 1, 22,23, 24,25 and 27. As explained above, the GB '743 teaches the electrostatic hold-down device or an ionic fan 15 for generating the air stream as recited (the GB '743, Figs. 1 and 3). While the device of the GB '743 having a hose 26 to an air source to provide air for holding down the very heavy stocks such as cardboard or heavy paper, the pressure air is not used for a normal weight paper. The normal weight paper is influenced by electric field created by the needle or conductive member 28 and the cylinder 10 ( which is grounded as shown in Fig.4 of the GB '743) so that the air between the needle and the cylinder is ionized and created an "electric wind" as shown in Fig.1

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of GB '743. Therefore, the hold-down device of the GB '743 is inherently an ion fan since the normal paper or the printing sheets are hold down to the impression cylinder by the wind or air pressure without the air pressure provided from the hose 26. Thus, the GB '743 meets the structure and method as broadly recited in claims 1-3, 5, 6, 9-11, 21-28, 30-32 and 35.

The combination of the GB '743 and Weisperber renders obvious claims 4,7,12,29 and 32 since Weisperber clearly teaches a control and regulating apparatus including fans which can be individually controlled.

The combination of the GB '743 and Platsch renders obvious claims 13-20 since Platsch teaches the use of a device for applying powder to a printed sheet including a powder container.

### *Conclusion*

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

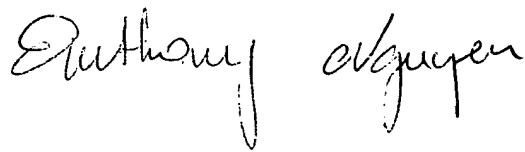
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "Anthony Nguyen". The signature is written in a cursive, flowing style.

Anthony Nguyen  
6/23/04  
Patent Examiner  
Technology Center 2800